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RESPONSE UNDER 37 CFR § 1.116

EXPEDITED PROCEDURE

EXAMINING GROUP 1644

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 23 2003

TECH CENTER 1600/2900

In re Application of:

Manfred BROCKHAUS et al.

Examiner: R. Schwadron, Ph.D.

Serial No.: 08/444,791

Art Unit: 1644

Filed: May 19, 1995

For: **HUMAN TNF RECEPTOR**

Nutley, New Jersey
June 17, 2003

RESPONSE TO FINAL OFFICE ACTION UNDER RULES 116 AND 129(a)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed March 26, 2003, which set a three-month shortened statutory period for response. Accordingly, this response is filed timely upon mailing, with an executed certificate of mailing, on or before June 26, 2003. 37 CFR § 1.8.

This submission is made pursuant to Rule 116 and Rule 129(a). In particular, this application claims benefit of Serial No. 07/580,013, filed September 10, 1990, and this Amendment is the first submission after the Final Office Action. Moreover, this Amendment is being filed prior to the filing of an appeal brief or abandonment of the application. Accordingly, the Applicant is entitled to have the finality of the Office Action withdrawn, and the Amendment entered and considered on

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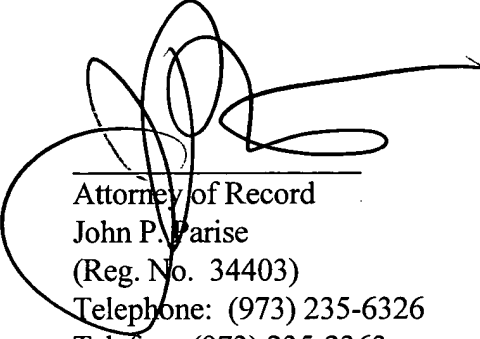
01 FC:1809 750.00 DA
02 FC:1202 414.00 DA

Serial No. 08/444,791
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 X Please charge my Deposit Account No. 08-2525 in the amount of \$ 1,164.00 This sheet is provided in duplicate.

 A check in the amount of \$ is attached.

 X The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 08-2525. This sheet is provided in duplicate.



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the merits. See Rule 129(a). A fee of \$750.00, as set forth in Rules 129(a) and 17(r), accompanies this response.

Because the Office Action made the rejection of the pending claims final, consideration of this response pursuant to the expedited procedure for response after final rejection set forth in MPEP § 714.13 (8th Ed., Rev. 1, February 2003, pp. 700-209 to 700-210) respectfully is solicited.

Claims 100-124 have been added. Claims 100, 110, and 115 are independent. The fee for additional claims is set forth in a separate document.

This Response is drafted in the revised format pursuant to the procedure set forth at 1267 OG 106 in the Notice entitled "AMENDMENTS IN A REVISED FORMAT NOW PERMITTED." Accordingly, please amend the above-identified application as follows:

Amendments to the Specification: None.

Amendments to the Claims begin on page 3 of this Response, and contain a complete listing of the claims, as required.

Amendments to the Drawings: None.

Remarks begin on page 9 of this Response.